

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

CRL.A.No. 170 of 2001()

CC.5812/1998 of JUDL. MAGISTRTE OF FIRST CLASS COURT-III, THRISSUR
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APPELLANT/COMPLAINANT:

P.SIVANANDAN
AGED 40 YEARS, S/O. SANKARAN NAIR,
MANAGING PARTNER, ASWATHY MARKETING ASSOCIATES,
ELITE BUILDINGS, ERINJERI ANGADI, THRISSUR.

BY ADV. SRI.RENJITH THAMPAN

RESPONDENT/ ACCUSED:

MOHAMMED KHANI,
PROPRIETOR, M/S. SEEMATTI SILKS,
BUS STAND COMPLEX, OTTAPPALAM, PALAKKAD.

BY PUBLIC PROSECUTOR SRI. AMJAD ALI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD
ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.R. UDAYABHANU, J.

CRL.A.NO.170 of 2001

DATED THIS THE 12th Day of July 2007

JUDGMENT

The appellant is the complainant in S.T.No. 5812 1998 in the file of the Judicial Magistrate of First Class-III, Thrissur with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal procedure. It is the case of the appellant that on the particular day, he happened to be absent on account of his illness.

In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 10-8-2007 The court below shall issue fresh summons to the accused/respondent. The appeal is allowed.

K.R. UDAYABHANU, JUDGE

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K.R. UDAYABHANU,J.

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JUDGMENT

12-7-2007

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